

# **Proposed Processing Guideline for Public Interest Obligations for Digital Television Broadcasters**

July 2005

## **I. Processing Guideline**

A. Licensees that meet all of the following guidelines will receive staff level approval of the general public interest portion of their license renewal application.

B. Applications of licensees not meeting all of the following guidelines will be referred to the Commission for review.

C. Any viewer may file a complaint with the Enforcement Bureau alleging that the licensee has failed to comply with the terms of this processing guideline. If, on the basis of viewer complaints or staff review, the staff determines that the licensee consistently falls significantly below the minima set forth here, the staff shall have the authority to direct the early filing of license renewal applications or take other enforcement measures as may be appropriate.

## **II. Local Public and Electoral Affairs Programming Requirements**

A. To receive staff level approval, a licensee shall air a minimum of three (3) hours per week of qualifying local public or electoral affairs programming on the most watched channel they control/operate.

1. The most watched channel means the FCC-required free over-the-air standard channel (sometimes referred to as the “dot one channel”) which, like its analog predecessor, provides entertainment, sports, local and national news, election results, weather advisories, access for candidates and public interest programming such as educational programming for children (see FCC’s Fifth Report and Order on DTV).

B. To the degree that a licensee multicasts additional free over the-the-air programming streams, the licensee must air an amount of qualifying local public or electoral affairs programming on those channels equal to three hours per week per channel or three percent of the aggregate number of hours broadcast between the hours of 6:00 a.m. and 11:35 p.m. per week, whichever is less.

1. Licensees shall have the flexibility to decide how to allocate their local public and electoral affairs programming among the additional programming streams other than the most watched channel.

C. Local public and electoral affairs programming must meet the following requirements in order to be counted towards the three hour/three percent minimum:

1. It must be aired between 6:00 a.m. and 11:35 p.m. with at least 50 percent of that programming being aired between 6:00 a.m. and 9:00 a.m. weekdays and 5:00 p.m. and 11:35 p.m.
2. At least 50 percent of the required minimum on the most watched channel must be “first-run programming” by the licensee. For additional programming streams, this requirement may be phased in over 12 months.
3. To the extent that a licensee utilizes such distribution and promotion mechanisms as personal video recorders (PVRs), video-on-demand (VOD), and electronic program guides (EPGs), local public and electoral affairs programming must be made available and promoted using these and other utilized interactive technologies.
4. Programming must be identified and documented as local public or electoral affairs programming, and this information must be made available in the licensee’s public file and website.
5. Regularly scheduled newscasts and portions thereof do not qualify as local public or electoral affairs programming.

D. Local public affairs programming is programming designed to provide the public with information about local issues. Local public affairs programming includes broadcasts of interviews with or statements by elected or appointed officials and relevant policy experts on issues of importance to the community, government meetings, legislative sessions, conferences featuring elected officials, and substantive discussions of civic issues of interest to local communities or groups.

E. Local electoral affairs programming consists of candidate-centered discourse focusing on the local, state and United States Congressional races for offices to be elected by a constituency within the licensee’s broadcast area. Local electoral affairs programming includes broadcasts of candidate debates, interviews, or statements, as well as substantive discussions of ballot measures that will be put before the voters in a forthcoming election.

1. Programming that focuses on the “horserace” aspects of an election does not qualify as local electoral affairs programming. “Horserace” programming is primarily concerned with the political strength or viability of a candidate or ballot issue; focuses on a candidate or ballot issue’s status in relation to polling data, endorsements or fundraising totals; or discusses an election in terms of who is winning or losing.
2. Paid political advertisements do not qualify as local public or electoral affairs programming.

F. In the 30 days prior to a primary election for federal, state and/or local public office and 60 days prior to a general election for federal, state and/or local public office, at least two hours of the three hour minimum shall be local electoral affairs programming, aired between the hours of 6:00 a.m. and 9:00 a.m. and 5:00 p.m. and 11:35 p.m. on the licensee's most watched channel.

### **III. Public Service Announcements Requirements**

A. Licensees shall broadcast a minimum of 75 unpaid public service announcements (PSAs) per week on its most watched channel and each additional stream of programming.

B. A public service announcement is any announcement for which no consideration of any sort (including, but not limited to, cash, goods or services, in-kind contributions, endorsements, favorable treatment) is made to the licensee or any organization or entity associated with the licensee and which promotes programs, activities or services of federal, state or local governments or the programs, activities or services of nonprofits organizations.

C. At least 50 percent of these PSAs shall be locally produced and directed toward local issues.

D. A significant number shall run between the hours of 6:00 a.m. and 9:00 a.m. and 5:00 p.m. and 11:35 p.m.

### **IV. Reporting Requirements**

A. To receive staff level approval, a licensee shall certify that at the end of each quarter during the preceding license term, it placed on its station website (if it has one) and in its public file, a report identifying any programming that counts toward fulfillment of the processing guideline.

B. The report shall contain the following information for each program:

1. For local public affairs programming, the specific local issues addressed. For electoral affairs programming, identify the race and the name(s) of the candidate(s) or the ballot issue(s)
2. Program format, e.g., talk show, debate, documentary
3. Date and time aired
4. Channel or stream on which it was aired
5. Whether the programming was locally produced
6. Description of any interactive functions utilized
7. Description of how the program was promoted to the public

- C. The report shall also contain a description of the efforts made by the licensee to identify issues of importance to the community and to ensure the public was exposed to diverse viewpoints on the issue or election